

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

D-1 BOBBY W. FERGUSON,
D-2 SHAKIB DERIA,
D-3 MICHAEL WOODHOUSE,
D-4 CALVIN L. HALL,
D-5 FERGUSON ENTERPRISES, INC.
a/k/a
FERGUSON'S ENTERPRISES, INC.,
D-6 XCEL CONSTRUCTION
SERVICES, INC.,
D-7 A&F ENVIRONMENTAL/JOHNSON
CONSTRUCTION SERVICES,

Defendants.

Case:2:10-cr-20535
Judge: Lawson, David M.
MJ: Randon, Mark A.
Filed: 09-01-2010 At 04:25 PM
INDI USA V SEALED MATTER (DA)

VIOLATIONS:

Conspiracy to Defraud the United States
(18 U.S.C. § 371);

Conspiracy to Commit Mail Fraud
(18 U.S.C. §§ 1341 & 1349);

Money Laundering
(18 U.S.C. § 1956);

**Conspiracy to Willfully Injure Property
of the United States**
(18 U.S.C. §§ 1361 & 371);

Felon in Possession of Firearms
(18 U.S.C. §§ 922 & 924);

Conspiracy to Obstruct Justice
(18 U.S.C. §§ 1503 & 371);

Structuring Monetary Transactions
(31 U.S.C. § 5324);

Forfeiture Allegations
(18 U.S.C. §§ 981, 982 & 924

28 U.S.C. § 2461

31 U.S.C. § 5317).

INDICTMENT

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

A. INTRODUCTION

1. At all times relevant to this Indictment, FERGUSON ENTERPRISES, INC., also known as FERGUSON'S ENTERPRISES, INC., was a corporation formed under the laws of the State of Michigan.

2. At all times relevant to this Indictment, BOBBY W. FERGUSON was the owner and operator of FERGUSON ENTERPRISES, INC., also known as FERGUSON'S ENTERPRISES, INC.

3. In or about February of 2002, BOBBY W. FERGUSON established Johnson Construction Services, Inc. and Johnson Consulting Services, Inc. as corporations formed under the laws of the State of Michigan. At all times relevant to this Indictment, BOBBY W. FERGUSON controlled and directed the activities and operations of Johnson Construction Services, Inc. also known as Johnson Consulting Services, Inc. In or about May of 2003, BOBBY W. FERGUSON caused Johnson Construction Services, Inc. to enter into the joint venture known as A&F ENVIRONMENTAL/JOHNSON CONSTRUCTION SERVICES.

4. At all times relevant to this Indictment, SHAKIB DERIA was an employee of FERGUSON ENTERPRISES, INC. At the direction of BOBBY W. FERGUSON, beginning on or about May of 2003, SHAKIB DERIA became the Vice President of the joint venture known as A&F ENVIRONMENTAL/JOHNSON CONSTRUCTION SERVICES, INC.

5. In or about March of 2002, BOBBY W. FERGUSON established XCEL CONSTRUCTION SERVICES, INC. as a corporation formed under the laws of the State of

Michigan. At all times relevant to this Indictment, BOBBY W. FERGUSON controlled and directed the activities and operations of XCEL CONSTRUCTION SERVICES, INC.

6. At the direction of BOBBY W. FERGUSON, beginning on or about January 1, 2006, MICHAEL WOODHOUSE became the President of XCEL CONSTRUCTION SERVICES, INC.

7. At the direction of BOBBY W. FERGUSON, beginning on or about January 1, 2006, CALVIN L. HALL became the Vice President of XCEL CONSTRUCTION SERVICES, INC.

B. THE GARDEN VIEW ESTATES PROJECT

8. The Garden View Estates, formerly known as the Herman Gardens, was a multi-unit housing development located in Detroit, Michigan being developed on behalf of the U.S. Department of Housing and Urban Development and the Detroit Housing Commission. The Garden View Estates project occupies approximately 139 acres of land bounded by Joy Road to the north, Tireman Avenue to the south, Asbury Park Avenue to the east and the Southfield Expressway service drive to the west.

9. Between 1996 and 2005, the U.S. Department of Housing and Urban Development committed in excess of \$24,000,000.00 in federal Hope VI revitalization grants and in excess of \$19,500,000.00 in federal Major Reconstruction of Obsolete Public Housing ("MROP") funds to be used for the demolition of the former Herman Gardens and the construction of the Garden View Estates public housing development.

10. As part of the development of the Garden View Estates, in and before 2006, the City of Detroit agreed to provide a total capital outlay of \$13,726,544.00 in funds to design, construct and inspect infrastructure related improvements, that is, the installation of roads, water, sanitary, sewer and electrical services at the Garden View Estates project. The various departments of the City of Detroit retained the Detroit Building Authority to oversee the installation of roads, water, sanitary, sewer and electrical infrastructure services at the Garden View Estates project.

11. In October of 2006, the Detroit Building Authority issued a Request for Proposals for a qualified firm to act as the Construction Manager for the infrastructure improvements at the Garden View Estates project.

12. In December of 2006, the U.S. Department of Housing and Urban Development and the Detroit Housing Commission agreed to provide the additional amount of \$2,000,000.00 to pay for infrastructure construction costs at the Garden View Estates project.

13. In January of 2007, the Detroit Building Authority entered into a written contract with XCEL CONSTRUCTION SERVICES, INC. to act as the Construction Manager in connection with the construction of infrastructure improvements at the Garden View Estates project. Pursuant to that contract, the Detroit Building Authority agreed to pay XCEL CONSTRUCTION SERVICES, INC. a lump sum professional fee of \$557,512.00. Among other services, XCEL CONSTRUCTION SERVICES, INC. agreed to take competitive bids from contractors seeking to provide demolition, earthwork, utilities and concrete services at the Garden View Estates Project. XCEL CONSTRUCTION SERVICES, INC. further agreed that

any contracts it entered into as part of the Garden View Estates Project would be conducted in compliance with all federal, state and local statutes, rules, regulations and orders applicable to that work.

COUNT ONE
(18 U.S.C. § 371 --
Conspiracy to Defraud the United States)

D-1 BOBBY W. FERGUSON,
D-3 MICHAEL WOODHOUSE,
D-4 CALVIN L. HALL,
D-5 FERGUSON ENTERPRISES, INC.
a/k/a
FERGUSON'S ENTERPRISES, INC.,
D-6 XCEL CONSTRUCTION SERVICES, INC.

1. The General Allegations are incorporated by reference as if set forth in full herein.
2. Beginning in or before October of 2006 and continuing through in or after August of 2010, said dates being approximate, in the Eastern District of Michigan and elsewhere, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL, FERGUSON ENTERPRISES, INC. also known as FERGUSON'S ENTERPRISES, INC., and XCEL CONSTRUCTION SERVICES, INC., defendants herein, knowingly and intentionally conspired and agreed with one another and with others, both known and unknown to the grand jury, to defraud the United States and one or more of its agencies and departments, that is, to obtain and to attempt to obtain by dishonest means through false and fraudulent pretenses and representations, more than \$10,000,000.00 in public works contracts awarded as part of the Garden View Estates project.

METHOD, MANNER AND MEANS

3. As part of that conspiracy, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL, FERGUSON ENTERPRISES, INC. and XCEL CONSTRUCTION SERVICES, INC. manipulated the bidding process used to select the Construction Manager and the Primary Contractor for the infrastructure development phase of the Garden View Estates project.

4. As part of that conspiracy, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL and XCEL CONSTRUCTION SERVICES, INC. created false and fraudulent documents, including a Construction Management Services Proposal, Organizational Chart and Personal Resumes, to be submitted in connection with the Garden View Estates project.

5. As part of that conspiracy, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL and XCEL CONSTRUCTION SERVICES, INC. agreed and arranged for FERGUSON ENTERPRISES, INC. to be selected as the primary contractor to perform demolition, earthwork, utilities, concrete and related services at the Garden View Estates project prior to any public or competitive bidding for that work.

6. As part of that conspiracy, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL and XCEL CONSTRUCTION SERVICES, INC. agreed to falsely represent that the primary subcontract to perform demolition, earthwork, utilities and concrete work at the Garden View Estates project would be and was selected through a competitive bidding process.

7. As part of that conspiracy, BOBBY W. FERGUSON recruited and directed other companies to submit false and fraudulently inflated bids for the primary contract to perform demolition, earthwork, utilities and concrete services at the Garden View Estates project as part of a dishonest scheme to make it appear that FERGUSON ENTERPRISES, INC. was the low bidder for the primary contract to perform demolition, earthwork, utilities and concrete services at the Garden View Estates project.

8. As part of the conspiracy, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL, XCEL CONSTRUCTION SERVICES, INC. and FERGUSON ENTERPRISES, INC. obtained and attempted to obtain in excess of \$10,000,000.00 in public funds as part of the Garden View Estates project.

9. As part of the conspiracy, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL, XCEL CONSTRUCTION SERVICES, INC. and FERGUSON ENTERPRISES, INC. obtained and attempted to obtain U.S. Department of Housing and Urban Development funds designated to pay for infrastructure costs at the Garden View Estates project.

OVERT ACTS

10. In executing the conspiracy alleged in Paragraph Two, one or more of the defendants did the following overt acts.

11. On or about November 14, 2006, BOBBY W. FERGUSON prepared and caused to be prepared a document in connection with the Garden View Estates project entitled Construction Management Services Proposal on behalf of XCEL CONSTRUCTION SERVICES, INC., which document contained materially false and fraudulent information.

12. On or about November 15, 2006, MICHAEL WOODHOUSE, CALVIN L. HALL and XCEL CONSTRUCTION SERVICES, INC. submitted the false and fraudulent Construction Management Services Proposal to the offices of the Detroit Building Authority in Detroit, Michigan.

13. On or about January 18, 2007, MICHAEL WOODHOUSE executed and signed a written contract on behalf of XCEL CONSTRUCTION SERVICES, INC. to act as the Construction Manager for the Detroit Building Authority in connection with the construction of infrastructure improvements at the Garden View Estates project.

14. On or about February 28, 2007, BOBBY W. FERGUSON, MICHAEL WOODHOUSE and CALVIN L. HALL arranged for XCEL CONSTRUCTION SERVICES, INC. to obtain its mandatory Performance Bond and its mandatory Payment Bond for the Garden View Estates project through the Hanover Insurance Company based upon the personal guaranty and indemnification of BOBBY W. FERGUSON.

15. On or about April 2, 2007, BOBBY W. FERGUSON and FERGUSON ENTERPRISES, INC. created a Project Bid Proposal Form in the amount of \$11,900,00.00 to perform Demolition, Earthwork, Utilities and Concrete work at the Garden View Estates project.

16. On or about April 2, 2007, BOBBY W. FERGUSON contacted an individual identified herein as "R.B." BOBBY W. FERGUSON directed R.B. to prepare and submit false and fraudulent Project Bid Proposal Forms for Demolition, Earthwork, Utilities and Related services at the Garden View Estates project in the names of the companies R & R Heavy Haulers and D & R Earthmoving, LLC. Specifically, BOBBY W. FERGUSON directed R.B. to falsely

inflate the base bid and unit bid amounts on the Project Bid Proposal Forms by several million dollars.

17. On or about April 2, 2007, at the direction of BOBBY W. FERGUSON, R.B. contacted an individual identified herein as "B.D." who agreed to have a false and fraudulent Project Bid Proposal Form prepared and submitted in the name of the company D & R Earthmoving, LLC. in connection with the Garden View Estates Project.

18. On or about April 2, 2007, R.B. prepared and caused to be prepared a false and fraudulent Project Bid Proposal Form in the name of D & R Earthmoving, LLC. in the amount of \$12,980,000.00 and a false and fraudulent Project Bid Proposal Form in the name of R & R Heavy Haulers in the amount of \$13,488,900.00. At the direction of BOBBY W. FERGUSON, R.B. thereafter delivered the false Project Bid Proposal Forms to BOBBY W. FERGUSON at the offices of FERGUSON ENTERPRISES, INC. in Detroit, Michigan.

19. On or after April 2, 2007, BOBBY W. FERGUSON and MICHAEL WOODHOUSE and others prepared and caused to be prepared a document entitled Garden View Estates Bid Tabulation Form using the information from the false Project Bid Proposal Forms obtained from D & R Earthmoving, LLC and R & R Heavy Haulers.

20. On or about April 17, 2007, MICHAEL WOODHOUSE sent and caused to be sent a letter from XCEL CONSTRUCTION SERVICES, INC. to the Detroit Building Authority recommending that FERGUSON ENTERPRISES, INC. be awarded a contract for \$12 million for demolition, earthwork, utilities and concrete work at the Garden View Estates project.

21. Between in or about November of 2007 and in or about January of 2009, BOBBY W. FERGUSON and FERGUSON ENTERPRISES, INC. hired and paid R & R Heavy Haulers and D & R Earthmoving LLC. as subcontractors at the Garden View Estates project, which subcontracts were awarded to R & R Heavy Haulers and D & R Earthmoving LLC. in return for their participation in the false and fraudulent bidding scheme.

22. Between in or about August of 2008 and in or about January of 2009, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL, FERGUSON ENTERPRISES, INC. and XCEL CONSTRUCTION SERVICES, INC. submitted and caused to be submitted in excess of \$1,500,000.00 in change orders as part of the Garden View Estates project.

23. On or about February 2, 2009, BOBBY W. FERGUSON traveled from Detroit, Michigan to a location in Northville, Michigan for the purpose of influencing and attempting to influence the individual identified as R.B. to give incomplete, false and misleading testimony concerning the bidding process for the Garden View Estates project to a grand jury of the United States District Court for the Eastern District of Michigan.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

(18 U.S.C. §§ 1341 & 1349--
Conspiracy to Commit Mail Fraud)

D-1 BOBBY W. FERGUSON,
D-3 MICHAEL WOODHOUSE,
D-4 CALVIN L. HALL,
D-5 FERGUSON ENTERPRISES, INC.
a/k/a
FERGUSON'S ENTERPRISES, INC.,
D-6 XCEL CONSTRUCTION SERVICES, INC.

1. The General Allegations are incorporated by reference as if set forth in full herein.

2. Beginning in or before October of 2006 and continuing through in or after August of 2010, said dates being approximate, in the Eastern District of Michigan and elsewhere, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL, FERGUSON ENTERPRISES, INC. also known as FERGUSON'S ENTERPRISES, INC., and XCEL CONSTRUCTION SERVICES, INC., defendants herein, together with other parties both known and unknown to the grand jury, did knowingly and intentionally conspire and agree to violate Title 18, United States Code, Section 1341 (Mail Fraud) by devising and executing a scheme to defraud and to obtain monies by means of materially false and fraudulent pretenses, representations or promises and, in order to execute it, used the mails or private or commercial interstate carriers, and caused others to use the mails or private or commercial interstate carriers in furtherance of that scheme.

METHOD, MANNER AND MEANS

3. As part of that conspiracy, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL and XCEL CONSTRUCTION SERVICES, INC. created false and fraudulent documents, including a Construction Management Services Proposal, Organizational Chart and Personal Resumes, to be submitted in connection with the Garden View Estates project.

4. As part of that conspiracy, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL and XCEL CONSTRUCTION SERVICES, INC. agreed and arranged for FERGUSON ENTERPRISES, INC. to be selected as the primary contractor to

perform demolition, earthwork, utilities, concrete and related services at the Garden View Estates project prior to any public or competitive bidding for that work.

5. As part of that conspiracy, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL and XCEL CONSTRUCTION SERVICES, INC. agreed to falsely represent that the primary subcontractor to perform demolition, earthwork, utilities and concrete work at the Garden View Estates project would be and was selected through a competitive bidding process.

6. As part of that conspiracy, BOBBY W. FERGUSON recruited and directed other companies to submit false and fraudulently inflated bids for the primary contract to perform demolition, earthwork, utilities and concrete services at the Garden View Estates project as part of a dishonest scheme to make it appear that FERGUSON ENTERPRISES, INC. was the low bidder for the primary contract to perform demolition, earthwork, utilities and concrete services at the Garden View Estates project.

7. As part of that conspiracy, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL and XCEL CONSTRUCTION SERVICES, INC. obtained payments of more than \$7,400,000.00 in funds from the Detroit Building Authority in connection with the Garden View Estates project.

8. As part of that conspiracy, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL, XCEL CONSTRUCTION SERVICES, INC. and FERGUSON ENTERPRISES, INC. attempted to obtain in excess of \$10,000,000.00 in public funds as part of the Garden View Estates project.

OVERT ACTS

9. On or about April 17, 2007, BOBBY FERGUSON, MICHAEL WOODHOUSE and CALVIN L. HALL used the mail and caused others to use the mail to send a letter from the offices of XCEL CONSTRUCTION SERVICES in Detroit, Michigan to the offices of the Detroit Building Authority, which letter recommended awarding the contract for the Demolition, Earthwork, Utilities and Concrete services at the Garden View Estates project to FERGUSON ENTERPRISES, INC.

10. On or about April 17, 2007, BOBBY FERGUSON, MICHAEL WOODHOUSE and CALVIN L. HALL used the mail and caused others to use the mail to send a letter from the offices of XCEL CONSTRUCTION SERVICES to the offices of the Detroit Building Authority which letter contained a Bid Tabulation form for the Demolition, Earthwork, Utilities and Concrete services at the Garden View Estates project.

11. On or about August 15, 2007, BOBBY FERGUSON, MICHAEL WOODHOUSE and CALVIN L. HALL caused others to use the mail to send a letter from the Detroit Building Authority to the offices of XCEL CONSTRUCTION SERVICES, INC. which letter authorized XCEL CONSTRUCTION SERVICES, INC. to award the contract for Demolition, Earthwork, Utilities and Concrete to FERGUSON ENTERPRISES, INC.

12. Between in or about April of 2007 and in or about September of 2008, BOBBY FERGUSON, MICHAEL WOODHOUSE and CALVIN L. HALL caused others to use the mail to send correspondence, invoices and payments between the offices of XCEL CONSTRUCTION

SERVICES, INC in Detroit, Michigan and the offices of a company located in Warren, Michigan.

13. Between in or about July of 2007 and in or about September of 2008, BOBBY FERGUSON, MICHAEL WOODHOUSE and CALVIN L. HALL caused others to use the mail to send correspondence, invoices and payments between the offices of XCEL CONSTRUCTION SERVICES, INC in Detroit, Michigan and the offices of a company located in Casco, Michigan.

14. On or about December 4, 2007, BOBBY W. FERGUSON, MICHAEL WOODHOUSE and CALVIN L. HALL caused others to use the mail to send a letter from the offices of the Detroit Building Authority in Detroit, Michigan to the offices of the U.S. Department of Housing and Urban Development and the office of the Detroit Housing Commission which letter stated, in pertinent part: "You indicated in your letter a question of the identity of interest between the CM [XCEL CONSTRUCTION SERVICES, INC.] and the primary contractor [FERGUSON ENTERPRISES, INC.]. The DBA has verified that there is no relationship between [XCEL CONSTRUCTION SERVICES, INC.] and [FERGUSON ENTERPRISES, INC.]."

15. On or about January 15, 2009, BOBBY W. FERGUSON possessed in excess of \$261,000.00 in U.S. currency at the offices of XCEL CONSTRUCTION SERVICES, INC., 500 Griswold Street, Detroit, Michigan, which cash represented proceeds of the subject conspiracy to commit mail fraud.

All in violation of Title 18, United States Code, Sections 1341 and 1349.

COUNT THREE

(18 U.S.C. §§ 1956(a)(1)(B)(i) & 1956(h)
Conspiracy to Launder Monetary Instruments)

D-1 BOBBY W. FERGUSON,
D-3 MICHAEL WOODHOUSE,
D-4 CALVIN L. HALL,
D-6 XCEL CONSTRUCTION SERVICES, INC.

1. The General Allegations are incorporated by reference as if set forth in full herein.
2. Beginning in or before April of 2007 and continuing through in or after August of 2010, said dates being approximate, in the Eastern District of Michigan and elsewhere, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL and XCEL CONSTRUCTION SERVICES, INC., defendants herein, together with other parties both known and unknown to the grand jury, did knowingly and intentionally conspire and agree to commit the offense of laundering monetary instruments, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).
3. As part of that conspiracy, BOBBY W. FERGUSON, MICHAEL WOODHOUSE and CALVIN L. HALL, knowing that certain property represented the proceeds of some form of illegal activity, conducted one or more financial transactions affecting interstate commerce, which transactions did in fact involve the proceeds of specified unlawful activity, that is, mail fraud, a felony under Title 18, United States Code, Section 1341.
4. At all times relevant, BOBBY W. FERGUSON, MICHAEL WOODHOUSE and CALVIN L. HALL conducted such financial transactions knowing that they were designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity, that is, mail fraud.

METHOD, MANNER AND MEANS

5. As part of that conspiracy, BOBBY W. FERGUSON directed MICHAEL WOODHOUSE and CALVIN L. HALL to cash checks drawn from the accounts of XCEL CONSTRUCTION SERVICES, INC. in order to obtain large quantities of United States currency, which funds could not be traced back to BOBBY W. FERGUSON when BOBBY W. FERGUSON, in fact, controlled the activities and operations of XCEL CONSTRUCTION SERVICES, INC.

6. As part of the same conspiracy, BOBBY W. FERGUSON orchestrated the purchase and the redemption of millions of dollars in cashier's checks and certificates of deposit in the name of XCEL CONSTRUCTION SERVICES, INC.

7. As part of the same conspiracy, on September 4, 2008, CALVIN L. HALL cashed a corporate check in the amount of \$100,000.00 drawn from the account of XCEL CONSTRUCTION SERVICES, INC. at a branch of First Independence Bank in Detroit, Michigan. As part of that transaction, CALVIN L. HALL obtained the amount of \$30,000.00 in United States currency. As part of the same transaction, CALVIN L. HALL also obtained three cashier's checks payable to himself in the amounts of \$25,000.00, \$25,000.00 and \$20,000.00.

8. As part of the same conspiracy, on September 4, 2008, CALVIN L. HALL obtained the additional amount of \$20,000.00 in United States currency at a different branch of First Independence Bank by cashing the \$20,000.00 cashier's check he had purchased earlier that same day.

9. As part of the same conspiracy, on September 5, 2008, MICHAEL WOODHOUSE cashed a corporate check in the amount of \$100,000.00 drawn from the account of XCEL CONSTRUCTION SERVICES, INC. at a branch of First Independence Bank in Detroit, Michigan. As part of that transaction, MICHAEL WOODHOUSE obtained the amount of \$30,000.00 in United States currency. As part of the same transaction, MICHAEL WOODHOUSE also obtained three cashier's checks from payable to himself in the amounts of \$25,000.00, \$25,000.00 and \$20,000.00.

10. As part of the same conspiracy, on September 17, 2008, CALVIN L. HALL redeemed Certificate of Deposit number 683072 issued by First Independence Bank in the amount of \$1,022,708.55 at a branch of First Independence Bank in Detroit, Michigan. At the direction of BOBBY W. FERGUSON, CALVIN L. HALL used the proceeds of that Certificate of Deposit to obtain twenty (20) sequential cashier's checks in amounts of \$50,000.00 or more, from First Independence Bank, each made payable to XCEL CONSTRUCTION SERVICES, INC.

11. As part of the same conspiracy, on November 4, 2008, BOBBY FERGUSON issued and caused to be issued a corporate check drawn from the account of XCEL CONSTRUCTION SERVICES, INC. in the amount of \$500,000.00 and a withdrawal of \$7,000.00 to purchase Certificate of Deposit number 105736, in the amount of \$507,000.00 from First Independence Bank.

12. As part of the same conspiracy, on November 6, 2008, MICHAEL WOODHOUSE obtained the additional amount of \$20,000.00 in United States currency at a

branch of First Independence Bank located in Detroit, Michigan by cashing the \$20,000.00 cashier's check he had purchased on September 5, 2008.

13. As part of the same conspiracy, on January 15, 2009, BOBBY W. FERGUSON possessed in excess of \$261,000.00 in U.S. currency at the offices of XCEL CONSTRUCTION SERVICES, INC., 500 Griswold Street, Suite 2410, Detroit, Michigan, which funds were located in a concealed safe hidden behind the wall of the office belonging to BOBBY W. FERGUSON at that location.

14. As part of the same conspiracy, on January 15, 2009, BOBBY W. FERGUSON possessed the customer copy of First Independence Bank Certificate of Deposit number 105736 in the amount of \$507,000.00 in the name of XCEL CONSTRUCTION SERVICES, INC., which certificate of deposit was located in the same concealed safe hidden behind the wall of the office belonging to BOBBY W. FERGUSON at that location.

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 1956(h).

COUNT FOUR

(18 U.S.C. §§ 1361 & 371--

Conspiracy to Willfully Injure Property of the United States)

D-1 BOBBY W. FERGUSON,
D-3 MICHAEL WOODHOUSE,
D-5 FERGUSON ENTERPRISES, INC.
a/k/a
FERGUSON'S ENTERPRISES, INC.,
D-6 XCEL CONSTRUCTION SERVICES, INC.

1. The General Allegations are incorporated by reference as if set forth in full herein.
2. Beginning in or before April of 2007 and continuing through in or after August of 2010, said dates being approximate, in the Eastern District of Michigan, BOBBY W.

FERGUSON, MICHAEL WOODHOUSE, FERGUSON ENTERPRISES, INC. also known as FERGUSON'S ENTERPRISES, INC., and XCEL CONSTRUCTION SERVICES, INC., defendants herein, together with other parties both known and unknown to the grand jury, did knowingly and intentionally conspire and agree to violate Title 18, United States Code, Section 1361 (Injury to Property of the United States) by dumping and disposing of multiple truckloads of excavated soil, construction debris and contaminated materials at the Garden View Estates site, thereby injuring and causing deprivation to property of the U.S. Department of Housing and Urban Development and property being manufactured and constructed for the U.S. Department of Housing and Urban Development.

METHOD, MANNER AND MEANS

3. As part of that conspiracy, BOBBY W. FERGUSON transported and caused and directed others to transport multiple truck loads of soil, construction debris and excavated materials to the Garden View Estates site. The subject soil, construction debris and excavated materials had been generated by FERGUSON ENTERPRISES, INC. and one or more of its affiliates at work sites for unrelated projects being performed on behalf of the Detroit Water and Sewerage Department in and around Detroit, Michigan.

4. As part of that conspiracy, BOBBY W. FERGUSON and FERGUSON ENTERPRISES, INC. avoided hundreds of thousands of dollars in costs for the proper disposal of excess soil, construction debris and excavated material at a Type II landfill and, instead, willfully and illegally disposed of such soil, construction debris and excavated materials at the 139 acre location of the Garden View Estates project.

5. As part of that conspiracy, BOBBY W. FERGUSON and MICHAEL WOODHOUSE altered the terms of the subcontract between XCEL CONSTRUCTION SERVICES and FERGUSON ENTERPRISES, INC. so that FERGUSON ENTERPRISES, INC. would no longer be responsible for removing excess soil or soil that contained debris or for transporting such materials to a legal offsite location.

6. As a result of such willful activities by BOBBY W. FERGUSON, MICHAEL WOODHOUSE, FERGUSON ENTERPRISES, INC. and XCEL CONSTRUCTION SERVICES, INC., the U.S. Department of Housing and Urban Development and the Detroit Housing Commission have been and will be required to pay more than \$1,200,000.00 for: (A) the removal and proper disposal tens of thousands of cubic yards of soil, construction debris and excavated materials; and (B) the environmental remediation of large sections of the Garden View Estates site for elevated levels of arsenic, lead and polynuclear aromatic compounds caused by the unauthorized disposal of the subject soil, construction debris and excavated materials.

OVERT ACTS

7. Between in or about December of 2007 and in or after February of 2009, BOBBY W. FERGUSON and FERGUSON ENTERPRISES, INC. caused truckloads of soil, construction debris and excavated material to be transported to and disposed of at the Garden View Estate site.

8. Between in or about January of 2008 and in or about March of 2008, BOBBY W. FERGUSON hired multiple commercial trucks from the company R & R Heavy Haulers to haul soil, construction debris and excavated materials from FERGUSON ENTERPRISES, INC. work

sites at projects being performed on behalf of the Detroit Water and Sewerage Department and directed that such soil, construction debris and excavated material be transported to and disposed of at the Garden View Estates site. At the direction of BOBBY W. FERGUSON, no analytical reports and no manifests were obtained for the subject soil, construction debris and excavated materials prior to the transportation and disposal of such materials.

9. On or about March 18, 2008, BOBBY W. FERGUSON and MICHAEL WOODHOUSE altered and caused others to alter the terms of the August 16, 2007 Subcontract Agreement between FERGUSON ENTERPRISES INC. and XCEL CONSTRUCTION SERVICES, INC. by removing the contract provisions that required FERGUSON ENTERPRISES, INC to truck excess soil off site, to remove piles of debris and to truck debris to a legal offsite disposal site.

10. In or about May and June of 2008, BOBBY W. FERGUSON directed the company E & T Trucking to transport multiple truckloads of soil, construction debris and excavated material from a work site for an unrelated project being performed on behalf of the Detroit Water and Sewerage Department and to dispose of such soil, construction debris and excavated material at the Garden View Estates site.

11. On or about August 25, 2008, BOBBY W. FERGUSON, MICHAEL WOODHOUSE, FERGUSON ENTERPRISES, INC. and XCEL CONSTRUCTION SERVICES, INC. submitted and caused to be submitted a Change Order seeking payment in the sum of \$720,000.00 in public funds for removing approximately 20,000 cubic yards of unsuitable soil from the Garden View Estate site and disposing of such material at a Type II landfill.

All in violation of Title 18, United States Code, Sections 1361 and 371.

COUNT FIVE

(18 U.S.C. §§ 922(g)(1) & 924(a)(2) --
Felon in Possession of Firearm)

D-1 BOBBY W. FERGUSON.

1. The General Allegations are incorporated by reference as if set forth in full herein.
2. On or about January 15, 2009, in the Eastern District of Michigan, BOBBY W. FERGUSON, having previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year (a felony offense) did knowingly and unlawfully possess a firearm, to wit, one BRYCO .380 caliber semi-automatic pistol, serial number 432256, said firearm having previously traveled in and affected interstate commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT SIX

(18 U.S.C. §§ 1503 & 371-
Conspiracy to Obstruct Justice)

D-1 BOBBY W. FERGUSON,
D-2 SHAKIB DERIA.

1. The General Allegations are incorporated by reference as if set forth in full herein.
2. Beginning in or before January 15, 2009, and continuing through in or about August of 2010, said dates being approximate, in the Eastern District of Michigan and elsewhere, BOBBY W. FERGUSON and SHAKIB DERIA, defendants herein, together with other parties both known and unknown to the grand jury, did knowingly and intentionally conspire and agree to violate Title 18, United States Code, Section 1503 (Obstruction of Justice) by corruptly endeavoring to influence, obstruct or impede the due administration of justice, that is, the

proceedings of a federal grand jury of the United States District Court for the Eastern District of Michigan.

METHOD, MANNER AND MEANS

3. As part of that conspiracy, BOBBY W. FERGUSON and SHAKIB DERIA agreed and arranged for SHAKIB DERIA to give false and misleading information to federal law enforcement agents conducting a criminal investigation on behalf of a grand jury of the United States District Court for the Eastern District of Michigan concerning a firearm, that is, a BRYCO .380 caliber semi-automatic pistol, serial number 432256, that was found in a concealed safe in the office belonging to BOBBY W. FERGUSON located at 14385 Wyoming, Detroit, Michigan.

OVERT ACTS

4. On January 15, 2009, as part of an ongoing criminal investigation, identified federal law enforcement agents executed a search warrant at the offices of FERGUSON ENTERPRISES, INC., 14385 Wyoming, Detroit, Michigan. During that search, agents located a concealed safe in the office belonging to BOBBY W. FERGUSON at that location, which safe was opened in the presence of BOBBY W. FERGUSON. Among other evidence, agents located a firearm, that is, a BRYCO .380 caliber semi-automatic pistol serial number 432256, along with a full ammunition clip, inside of the subject safe. BOBBY W. FERGUSON was not detained and was not arrested at that time and was allowed to depart from the premises.

5. Also on January 15, 2009, SHAKIB DERIA approached identified federal law enforcement agents who were continuing with the search of 14385 Wyoming, Detroit, Michigan and falsely stated that he had put a firearm in the safe in the office of BOBBY W. FERGUSON.

6. Thereafter on January 15, 2009, SHAKIB DERIA provided a false written statement to identified federal law enforcement agents in which he stated that he had placed a gun in a safe in the office of BOBBY W. FERGUSON. SHAKIB DERIA further falsely stated that the subject firearm had been provided to him by an individual identified herein as J.F.

All in violation of Title 18, United States Code, Sections 1503 and 371.

COUNT SEVEN

(18 U.S.C. §§ 922(g)(1) & 924(a)(2) --
Felon in Possession of Firearm)

D-1 BOBBY W. FERGUSON.

1. The General Allegations are incorporated by reference as if set forth in full herein.
2. On or about January 15, 2009, in the Eastern District of Michigan, BOBBY W. FERGUSON, having previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year (a felony offense) did knowingly and unlawfully possess a firearm, to wit, one TAURUS PT99 9 millimeter semi-automatic pistol, serial number B63526, said firearm having previously traveled in and affected interstate commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT EIGHT

(31 U.S.C. § 5324 and 18 U.S.C. § 371-
Conspiracy to Structure Financial Transactions)

D-1 BOBBY W. FERGUSON,
D-2 SHAKIB DERIA,
D-5 FERGUSON ENTERPRISES, INC.
a/k/a
FERGUSON'S ENTERPRISES, INC.,
D-7 A&F ENVIRONMENTAL/JOHNSON CONSTRUCTION SERVICES

1. The General Allegations are incorporated by reference as if set forth in full herein.

2. Beginning in or before July of 2005 and continuing through in or after March of 2006, said dates being approximate, in the Eastern District of Michigan, and elsewhere, BOBBY W. FERGUSON, SHAKIB DERIA, FERGUSON ENTERPRISES, INC. also known as FERGUSON'S ENTERPRISES, INC. and A & F ENVIRONMENTAL/JOHNSON CONSTRUCTION SERVICES, defendants herein, together with other parties both known and unknown to the grand jury, did knowingly and intentionally combine, conspire and agree to violate Title 31, United States Code, Section 5324 (Structuring) by causing and attempting to cause a domestic financial institution to fail to file a report required under federal law or regulation.

METHOD, MANNER AND MEANS

3. As part of that conspiracy, BOBBY W. FERGUSON transferred hundreds of thousands of dollars from FERGUSON ENTERPRISES, INC. to A&F ENVIRONMENTAL/JOHNSON CONSTRUCTION SERVICES. At the direction of BOBBY W. FERGUSON, SHAKIB DERIA, thereafter issued a series of eighteen identical checks from the account of A&F ENVIRONMENTAL/JOHNSON CONSTRUCTION SERVICES, each in the amount of Nine Thousand Five Hundred Dollars (\$9,500.00) and each made payable to BOBBY W. FERGUSON.

4. As part of that conspiracy, BOBBY W. FERGUSON cashed the subject eighteen checks at a branch of First Independence Bank, a domestic financial institution located in Detroit, Michigan. Each individual check was cashed separately in order to avoid the filing of a Currency

Transaction Report ("CTR") by First Independence Bank required for any transaction that involves more than \$10,000.00 in United States currency.

OVERT ACTS

5. On May 1, 2003, SHAKIB DERIA and others opened a deposit account in the name A&F ENVIRONMENTAL/ JOHNSON CONSTRUCTION SERVICES at First Independence Bank in Detroit, Michigan. At the direction of BOBBY W. FERGUSON, SHAKIB DERIA was listed as the Vice President for A&F ENVIRONMENTAL/ JOHNSON CONSTRUCTION SERVICES.

6. On October 6, 2005, BOBBY W. FERGUSON issued and signed Check Number 22949 in the amount of Two Hundred Sixty Thousand Dollars (\$260,000.00) drawn from a corporate account at First Independence Bank maintained in the name of FERGUSON ENTERPRISES, INC. The subject check was made payable to "A & F / Johnson" and was deposited into the account of A&F ENVIRONMENTAL/ JOHNSON CONSTRUCTION SERVICES at First Independence Bank.

7. Between October 28, 2005 and March 10, 2006, BOBBY W. FERGUSON transacted eighteen separate checks issued to him from the account of A&F ENVIRONMENTAL/ JOHNSON CONSTRUCTION SERVICES by cashing those checks and obtaining \$171,000.00 in United States currency. The following table lists the check numbers, amounts, original dates of issue, dates negotiated, payee, and results of transactions for the subject checks:

Check No.	Amount	Issue Date	Date Negotiated	Payee	Result of Transaction
2226	\$9,500.00	07/01/05	10/28/05	Bobby Ferguson	cash to Bobby Ferguson
2227	\$9,500.00	07/08/05	10/29/05	Bobby Ferguson	cash to Bobby Ferguson
2228	\$9,500.00	07/15/05	11/30/05	Bobby Ferguson	cash to Bobby Ferguson
2229	\$9,500.00	07/22/05	01/26/06	Bobby Ferguson	cash to Bobby Ferguson
2230	\$9,500.00	07/29/05	01/27/06	Bobby Ferguson	cash to Bobby Ferguson
2231	\$9,500.00	08/05/05	02/01/06	Bobby Ferguson	cash to Bobby Ferguson
2232	\$9,500.00	08/12/05 changed to 02/10/06	02/10/06	Bobby Ferguson	cash to Bobby Ferguson
2233	\$9,500.00	08/19/05	02/13/06	Bobby Ferguson	cash to Bobby Ferguson
2234	\$9,500.00	08/26/05	02/15/06	Bobby Ferguson	cash to Bobby Ferguson
2235	\$9,500.00	09/04/05	02/16/06	Bobby Ferguson	cash to Bobby Ferguson
2236	\$9,500.00	09/11/05	02/21/06	Bobby Ferguson	cash to Bobby Ferguson
2237	\$9,500.00	09/18/05	03/13/06	Bobby Ferguson	cash to Bobby Ferguson
2238	\$9,500.00	09/25/05	02/24/06	Bobby Ferguson	cash to Bobby Ferguson
2239	\$9,500.00	10/02/05	03/01/06	Bobby Ferguson	cash to Bobby Ferguson
2240	\$9,500.00	10/09/05	03/17/06	Bobby Ferguson	cash to Bobby Ferguson
2243	\$9,500.00	10/23/05	02/27/06	Bobby Ferguson	cash to Bobby Ferguson
2244	\$9,500.00	10/30/05	03/02/06	Bobby Ferguson	cash to Bobby Ferguson
2245	\$9,500.00	11/06/05	03/03/06	Bobby Ferguson	cash to Bobby Ferguson
2246	\$89,000.00	02/23/06	03/10/06	A&F / Johnson "or Bobby Ferguson"	First Independence Bank Cashier's Check Number 15750 payable to Bobby Ferguson
					Transactions Total Amount = \$260,000.00

All in violation of Title 31, United States Code, Section 5324 and Title 18, United States Code, Section 371.

CRIMINAL FORFEITURE ALLEGATIONS
(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))
18 U.S.C. § 982(a)(1)
18 U.S.C. § 924(d)(1)
31 U.S.C. § 5317(c)(1))

1. Upon conviction of Conspiracy to Commit Mail Fraud, in violation of Title 18, United States Code, Sections 1341 and/or 1349, as alleged in Count Two of this Indictment, Defendants BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL, FERGUSON ENTERPRISES, INC., a/k/a FERGUSON'S ENTERPRISES, INC., and XCEL CONSTRUCTION SERVICES, INC. shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) together with 28 U.S.C. § 2461(c), their right, title and interest in any property, real or personal, which constitutes or is derived from proceeds traceable to a conspiracy to commit mail fraud in violation of 18 U.S.C. §§ 1341, 1349.
2. Upon conviction of Conspiracy to Launder Monetary Instruments, in violation of Title 18, United States Code, Section 1956, as alleged in Count Three of this Indictment, Defendants BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL, and XCEL CONSTRUCTION SERVICES, INC. shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(1), their right, title and interest in any property, real or personal, involved in a conspiracy to launder monetary instruments, or any property traceable to property involved in a conspiracy to launder monetary instruments, in violation of 18 U.S.C. § 1956.
3. Upon conviction of Conspiracy to Willfully Injure Property of the United States, in violation of Title 18, United States Code, Sections 1361, 371, as alleged in Count Four of

this Indictment, Defendants BOBBY W. FERGUSON, MICHAEL WOODHOUSE, FERGUSON ENTERPRISES, INC. a/k/a FERGUSON'S ENTERPRISES, INC., and XCEL CONSTRUCTION SERVICES, INC. shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) together with 28 U.S.C. § 2461, their right, title and interest in any property, real or personal, which constitutes or is derived from proceeds traceable to a conspiracy to willfully injure property of the United States, in violation of 18 U.S.C. §§ 1361, 371.

4. Upon conviction of one or more counts of a Federal Firearms Offense in violation of Title 18, United States Code, Section 922(g)(1), as alleged in Counts Five and/or Seven of this Indictment, Defendant BOBBY W. FERGUSON shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d)(1) together with 28 U.S.C. § 2461, his right, title and interest in any firearm or ammunition involved in or used in any violation of 18 U.S.C. § 922(g).
5. Upon conviction of Conspiracy to Obstruct Justice, in violation of Title 18, United States Code, Sections 1503, 371, as alleged in Count Six of this Indictment, Defendants BOBBY W. FERGUSON and SHAKIB DERIA shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) together with 28 U.S.C. § 2461, their right, title and interest in any property, real or personal, which constitutes or is derived from proceeds traceable to a conspiracy to obstruct justice in violation of 18 U.S.C. §§ 1503, 371.
6. Upon conviction of Conspiracy to Structure Financial Transactions, in violation of Title 31, United States Code, Section 5324, and Title 18, United States Code, Section 371, as

alleged in Count Eight of this Indictment, Defendants BOBBY W. FERGUSON, SHAKIB DERIA, FERGUSON ENTERPRISES, INC. a/k/a FERGUSON'S ENTERPRISES, INC., and A&F ENVIRONMENTAL/JOHNSON CONSTRUCTION SERVICES, INC. shall forfeit to the United States, pursuant to 31 U.S.C. § 5317(c)(1), their right, title and interest in all property, real or personal, involved in a conspiracy to structure financial transactions, and any property traceable to property involved in a conspiracy to structure financial transactions, in violation of 31 U.S.C. § 5324 and 18 U.S.C. § 371.

7. Property subject to forfeiture to the United States includes, but is not limited to, the following:

a. Currency and Monetary Instruments:

- i. Two Hundred Sixty-One Thousand Five Hundred Dollars (\$261,500.00) in United States Currency;
- ii. Certificate of Deposit Number 105736 issued by First Independence Bank in the name of XCEL CONSTRUCTION SERVICES, INC. in the amount of Five Hundred Seven Thousand Dollars (\$507,000.00) and all monies and assets traceable thereto;
- iii. Certificate of Deposit Number 683072 issued by First Independence Bank in the name of XCEL CONSTRUCTION SERVICES, INC. in the amount of One Million Twenty-One Thousand Two Hundred Nineteen Dollars and Twenty-Seven Cents (\$1,021,219.27) with a maturity value of One Million

Twenty-Two Thousand Seven Hundred Eight Dollars and Fifty-Five Cents (\$1,022,708.55) and all monies and assets traceable thereto; and

- iv. First Independence Bank Cashier's Check Number 15750 in the amount of Eighty-Nine Thousand Dollars (\$89,000.00) payable to Bobby Ferguson, and all monies and assets traceable thereto; and
- b. Business Entities, including all assets of the business commonly known as XCEL Construction Services, Inc.; and
- c. Firearms and Ammunition, including:
 - i. One Jennings Model Bryco 0.38 Caliber Semi-Automatic Pistol Bearing Serial Number 432258;
 - ii. One Taurus Model PT-99 .9 mm Semi-Automatic Pistol Bearing Serial Number B63526; and
 - iii. Forty-five (45) rounds of ammunition, including:
 - A. one (1) .9mm Luger R-P auto cartridge;
 - B. one (1) 0.45 caliber WCC auto cartridge;
 - C. five (5) 0.45 caliber PMP auto cartridges;
 - D. sixteen (16) 0.45 caliber R-P auto cartridges;
 - E. one (1) 0.45 caliber Midway auto cartridge;
 - F. one (1) black metal magazine containing six (6) 0.380 caliber GFL auto cartridges;
 - G. one (1) black metal magazine; and

H. one (1) Wolf ammunition box containing fifteen (15) .9 mm Wolf auto cartridges.

CRIMINAL FORFEITURE MONEY JUDGMENT

Forfeiture Money Judgment: Upon conviction of one or more of the violations of Title 18, United States Code, Sections 1341, 1349, 1361, 371 as alleged in Counts Two and/or Four of this Indictment, Defendants BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL, FERGUSON ENTERPRISES, INC., a/k/a FERGUSON'S ENTERPRISES, INC., and XCEL CONSTRUCTION SERVICES, INC. shall be ordered to pay a sum of money equal to Twelve Million Four Hundred Seventy Thousand Seven Hundred and Eight Dollars (\$12,470,708.00) in United States Currency Funds, for which Defendants BOBBY W. FERGUSON, MICHAEL WOODHOUSE, CALVIN L. HALL, FERGUSON ENTERPRISES, INC., a/k/a FERGUSON'S ENTERPRISES, INC., and XCEL CONSTRUCTION SERVICES, INC. are jointly and severally liable, representing the amount of proceeds obtained as a result of their offenses.

SUBSTITUTE ASSETS

Substitute Assets: Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b) and 31 U.S.C. § 5317(c)(1)(B), Defendants BOBBY W. FERGUSON, SHAKIB DERIA, MICHAEL WOODHOUSE, CALVIN L. HALL, FERGUSON ENTERPRISES, INC., a/k/a FERGUSON'S ENTERPRISES, INC., XCEL CONSTRUCTION SERVICES, INC., and A & F ENVIRONMENTAL/JOHNSON CONSTRUCTION SERVICES shall forfeit substitute property, up to the value of the properties

described in Paragraph Seven above, if, as a result of any act or omission of a defendant, the property described in Paragraph Seven:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty.

All in accordance with 21 U.S.C. § 853(p), 18 U.S.C. § 982(b), 31 U.S.C. § 5317(c)(1)(B), and Rule 32.2, Federal Rules of Criminal Procedure.

THIS IS A TRUE BILL

s/GRAND JURY FOREPERSON
Grand Jury Foreperson

BARBARA L. McQUADE
United States Attorney

s/Kathryn McCarthy
KATHRYN McCARTHY
Assistant United States Attorney
Chief, Special Prosecutions Unit

s/Bruce C. Judge
BRUCE C. JUDGE
Assistant United States Attorney

s/Rita E. Foley
RITA E. FOLEY
Assistant United States Attorney

Dated: September 1, 2010